



Attorney's Docket No.: 07898-071001

## DECLARATION, POWER OF ATTORNEY AND PETITION

I (We), the undersigned inventor(s), hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I (We) believe that I am (we are) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### BIOCHIP AND METHOD FOR PRODUCING THE SAME

the specification of which

is attached hereto.

was filed on June 11, 2001 as

Application Serial No. 09/879,797

and amended on \_\_\_\_\_

was filed as PCT international application

Number \_\_\_\_\_

on \_\_\_\_\_,

and was amended under PCT Article 19

on \_\_\_\_\_ (if applicable).

I (We) hereby state that I (We) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; that I (We) do not know and do not believe that this invention was ever known or used before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application, or in public use or on sale in the United States for more than one year prior to this application; that this invention or discovery has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months before this application.

I (We) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

I (We) hereby claim foreign priority benefits under Section 119(a)-(d) of Title 35 United

States Code, of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority			
Application No.	Country	Filing date	claimed
<u>341604/1998</u>	<u>Japan</u>	<u>December 1, 1998</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Section 119(e) of Title 35 United States Code, of any United States application(s) listed below.

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

I (We) hereby claim the benefit under Section 120 of Title 35 United States Code, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Section 112 of Title 35 United States Code, I (We) acknowledge the duty to disclose material information as defined in Section 1.56(a) of Title 37 Code of Federal Regulations, which occurred between the filing date of the prior application and national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (pending, patented, abandoned)
<u>09/451, 666</u>	<u>November 30, 1999</u>	<u>Pending</u>
_____	_____	_____
_____	_____	_____

And I (We) hereby appoint: Richard J. Anderson, Registration No. 36, 732; Gregory P. Einhorn,

Registration No. 38,440; Mark S. Ellinger, Registration No. 34,812; J.Eldora L. Ellison, Registration No. 39,967; Peter Fasse, Registration No. 32,983; J. Patrick Finn, III, Registration No. 44,109; Janis K. Fraser, Registration No. 34,819; John W. Freeman, Registration No. 29,066; Diane L. Gardner, Registration No. 36,518; Scott C. Harris, Registration No. 32,030; John F. Hayden, Registration No. 37,640; George Heibel, Registration No. 42,648; Donald C. Kordich, Registration No. 38,213; Ronald C. Lundquist, Registration No. 37,875; Anita L. Meiklejohn, Registration No. 35,283; Mike P. Reed, Registration No. 45, 647; Reginald Suyat, Registration No. 28, 172; Y. Rocky Tsao, Registration No. 34, 054; Hans R. Troesch, Registration No. 36, 950; and Dorothy P. Whelan, Registration No. 33,814. I(We) hereby request that all correspondence regarding this application be sent to the firm of FISH & RICHARDSON P.C. whose Post office address is: 4350 La Jolla Village Drive, Suite 500, San Diego CA 92122, U.S.A.

I (We) declare further that all statements made herein of my (our) knowledge are true and that all statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Toshiaki ITOH

NAME OF FIRST SOLE INVENTOR

Signature of Inventor

June 29, 2001

Date

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Signature of Inventor

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